

## § 488.865

(c) *Failure to achieve compliance with the conditions of participation.* If the HHA does not achieve compliance with the conditions of participation by the end of the period specified in paragraph (a) of this section, CMS will terminate the provider agreement of the HHA in accordance with § 488.865.

### § 488.865 Termination of provider agreement.

(a) *Effect of termination by CMS.* Termination of the provider agreement ends—

- (1) Payment to the HHA; and
- (2) Any alternative sanction(s).

(b) *Basis for termination.* CMS terminates an HHA's provider agreement under any one of the following conditions—

- (1) The HHA is not in compliance with the conditions of participation.
- (2) The HHA fails to submit an acceptable plan of correction within the timeframe specified by CMS.
- (3) The HHA fails to relinquish control to the temporary manager, if that sanction is imposed by CMS.
- (4) The HHA fails to meet the eligibility criteria for continuation of payment as set forth in § 488.860(a)(1).

(c) *Notice.* CMS notifies the HHA and the public of the termination, in accordance with procedures set forth in § 489.53 of this chapter.

(d) *Procedures for termination.* CMS terminates the provider agreement in accordance with procedures set forth in § 489.53 of this chapter.

(e) *Appeal.* An HHA may appeal the termination of its provider agreement by CMS in accordance with part 498 of this chapter.

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